

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

COREY MATTHEW CAMPANA,

Plaintiff,

v.

ADAM ZEHR,

Defendant.

Case No. 3:15-cv-00192-MMD-WGC

**ORDER**

Before the court are Plaintiff's Motion to Compel Discovery and Motion for Enlargement of Time. (Electronic Case Filing (ECF) Nos. 31, 32.)

Defendant has filed a motion for judgment on the pleadings and supporting exhibits. (ECF Nos. 28, 29.) The exhibits include, *inter alia*, a dash camera video. (See ECF No. 29 at 1; ECF No. 29-1.)

In his motion to compel, Plaintiff asserts that despite sending a request, he has not been able to view the video so that he can draft a meaningful response to Defendant's motion. (ECF No. 31 at 1-2.) As a result, he also seeks a forty-five day extension of time to respond to Defendant's motion for judgment on the pleadings. (ECF No. 32.)

Plaintiff's motions (ECF Nos. 31, 32) are **GRANTED IN PART**. Defense counsel is directed to ensure that Plaintiff is afforded a reasonable opportunity to review the video within **TEN DAYS** of the date of this Order. Defendant shall file a **notice** advising the court that Plaintiff has been afforded this opportunity. Plaintiff will have **THIRTY DAYS** from the date Defendant files the notice to file and serve his response to Defendant's motion for judgment on the pleadings. Defendant will then have **FOURTEEN** days from the date Plaintiff files his response to file and serve a reply brief.

1 Finally, Plaintiff is advised that Defendant has filed a motion for judgment on the  
2 pleadings. This is one type of dispositive motion, as it may terminate some portion or the entire  
3 lawsuit, if granted. As a result, Plaintiff is being given notice pursuant to the requirements of  
4 *Klinge v. Eikenberry*, 849 F.2d 409 (9th Cir. 1988), and *Rand v. Rowland*, 154 F.3d 952 (9th  
5 Cir. 1998).

6 Pursuant to Federal Rule of Civil Procedure 12(d), if a motion for judgment on the  
7 pleadings filed under Federal Rule of Civil Procedure 12(c), presents matters outside the  
8 pleadings that are not excluded by the court, the motion must be treated as one for summary  
9 judgment under Rule 56. Plaintiff is advised that because Defendant has submitted evidence  
10 outside of the pleadings in support of his motion, that the court may treat it as a motion for  
11 summary judgment.

12 A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure  
13 will, if granted, end your case.


14 Federal Rule of Civil Procedure 56 tells you what you must do in order to oppose a  
15 motion for summary judgment. Generally, summary judgment must be granted when there is no  
16 genuine issue of material fact—that is, if there is no real dispute about any fact that would affect  
17 the result of your case, the party who asked for summary judgment is entitled to judgment as a  
18 matter of law, which will end your case. When a party you are suing makes a motion for  
19 summary judgment that is properly supported by declarations (or other sworn testimony), you  
20 cannot simply rely on what your complaint says. Instead, you must set out specific facts in the  
21 form of admissible evidence (such as affidavits, declarations, depositions, answers to  
22 interrogatories, or properly authenticated documents as provided in Rule 56(c)), that contradict  
23 the facts shown in the defendant's declarations and documents and show there is a genuine issue  
24 of material fact for trial. If you do not submit your own evidence in opposition, summary  
25 judgment, if appropriate, may be entered against you. If summary judgment is granted, your case  
26 will be dismissed and there will be no trial.

27 Rule 56-1 of the Local Rules for the United States District Court for the District of  
28 Nevada also requires that you file with your opposition to a motion for summary judgment a

1 statement of facts which you contend are or are not genuinely in issue in this summary judgment  
2 procedure. If you are opposing a summary judgment motion, you should review the opposing  
3 party's Local Rule 56-1 statement of facts not genuinely in issue, and you should set forth in  
4 writing those facts (supported by specific citation to evidence in the record which you have  
5 attached to your motion or statement) which contradict the claims of the opposing party. In other  
6 words, you must provide the court a statement of facts supported by attached admissible  
7 evidence that demonstrates that the opposing party is not entitled to summary judgment against  
8 you.

9 **IT IS SO ORDERED.**

10 Dated: April 5, 2016.

  
11 WILLIAM G. COBB  
12 UNITED STATES MAGISTRATE JUDGE  
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